

REMARKS

Applicant thanks the Examiner for carefully reviewing the present application.
Claims 1–26 are pending.

5 Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 7, 12, 17-20, 25 and 26 under 35 U.S.C. § 102(b) as being anticipated by Fosdick (U.S. Patent No. 4,866,718). Applicant respectfully traverses.

Specifically, Fosdick teaches an error tolerant microprocessor that “detects and
10 corrects *random soft errors* during program execution (Abstract, lines 1-2).” Then, Fosdick discloses detecting and correcting *soft errors* during each word cycle (*see* Abstract, lines 5-9). Further, Fosdick continues to teach how to detect and correct random soft errors in the Summary of the Invention (lines 2 and 39-44) and in the claims (*see* claims 1, 9 and 15). To describe a soft error, Fosdick discloses that soft
15 errors are bit flip-flops that are arbitrary and temporary. The soft errors may occur from the presence of cosmic rays or high-energy particle ions (*see* Fosdick at col. 1, lines 8-12 and lines 16-27), causing soft errors that are “*random* and therefore unpredictable (Fosdick at column one, lines 32-33).” Thus, because of random high energy particle ions and cosmic rays that can cause bit errors, Fosdick teaches how to
20 detect and correct arbitrary, random and unpredictable errors.

In contrast, Applicant recites “*error induced* computer programs (claim 1),” “correction of *intentionally inserted errors* (claim 17),” “*intentionally inserted errors* in a program (claim 18 and 25),” and “*intentionally inserted errors* correctable (claim 26).” Because Fosdick does not teach how to correct *intentionally inserted errors*, but

instead teaches how to correct random, unpredictable errors, Fosdick does not teach each and every element recited in the Applicant's claims. Accordingly, Applicant respectfully requests withdrawal of the Examiner's 35 U.S.C. §102 (b) rejection.

5 **Claim Rejections Under Judicially Created Double Patenting**

The Examiner also rejected claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-43 of Folmsbee (U.S. Patent No. 6,308,256). Specifically, the Examiner wrote with typewritten text that "[a]lthough the conflicting claims are not identical, they are not
10 patentably distinct from each other because each claim ~~the same inventive entity~~," followed by handwritten text that reads "the instant claims are broader in scope than the patented claims." Applicant respectfully traverses.

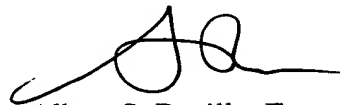
Regarding obviousness, the '256 patent recites claims for secure execution of program instructions provided by network interactions with a processor. In particular,
15 independent claims 1, 23, 39 and 43 recite processing computer programs that are selectively operable on a processor that has circuitry to *decode encrypted opcodes*. Further, the circuitry ends processing without the timely receipt of key information.

In contrast, Applicant recites independent claims 1, 17, 18, 25 and 26 for *processing errors*. When reviewing the claims of the '256 patent, there is no
20 motivation to one of ordinary skill in the art to process errors to continue processing computer programs. Instead, the '256 patent suggests decoding encrypted opcodes to continue processing computer programs. Because decoding encrypted opcodes are technically completely different from correcting errors, the '256 patent does not teach or suggest the invention claimed by the Applicant. Accordingly, Applicant
25 respectfully requests the withdrawal of the obviousness-type double patenting

rejection listed under the 35 U.S.C. §103(a) rejection section of the Office Action and allowance of claims 1-26.

In accordance with the foregoing, Applicant respectfully requests a Notice of Allowance. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP210). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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